

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

*Report of the Quartermaster-General upon the claim of Elizabeth Carson.*

JANUARY 20, 1886.—Referred to the Committee on Claims and ordered to be printed.

WAR DEPARTMENT,  
Washington City, January 18, 1886.

SIR: I have the honor to herewith transmit to the Senate, in compliance with the requirements of the act of January 26, 1885 (23 Statutes, page 619, chapter 34), the report of the Quartermaster-General, dated July 28, 1885, upon the claim of Elizabeth Carson, upon which report I have indorsed my recommendation for payment.

Very respectfully,

WM. C. ENDICOTT,  
Secretary of War.

THE PRESIDENT PRO TEMPORE OF THE SENATE.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., July 28, 1885.

SIR: The Quartermaster-General, to whom was referred Private Act No. 18, approved January 26, 1885, for the relief of Elizabeth Carson, has the honor to submit the following report.

The act referred to is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Elizabeth Carson, of Bourbon County, State of Kentucky, for subsistence, use of jail, fuel, fire, care and attention alleged to have been furnished by her to conscripts, deserters, and rebel prisoners, confined in the jail of Bourbon County, Kentucky, by the military authorities of the United States, in the years 1862, 1863, 1864, and 1865; such investigation to extend to the status of the claimant, whether loyal or not, the value of the supplies furnished, the actual rental value of the property for the time it was occupied and used by the United States authorities, the circumstances of the use of the jail and by whose authority or direction it was so used, and the reasons for the neglect to file her claim in the War Department; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress, for its action in the premises." (Approved January 26, 1885.)

The claim as made up by the claimant and sworn to February 23, 1885 and filed herewith (Exhibit 8) is stated at \$4,323.25 (should be \$4,648.75), and is for subsistence of prisoners alleged to have been confined by military authorities in the Bourbon County jail at Paris, Ky., in the years 1862, 1863, 1864, and 1865, for rent of said jail, and for fuel furnished.

The papers in the case were sent for investigation to John S. Cooper, an agent of the Quartermaster's Department, at Lebanon, Ky. He proceeded to Paris, Ky., and examined the claimant and such other witnesses as she chose to present or who it was thought could throw any light on the case. His report is filed herewith, and marked Exhibit 18.

It appears from the testimony that Samuel Rule, claimant's father, was elected jailer of Bourbon County in August, 1862, for a term of four years, and died in the following year. The claimant attended to the duties and acted as jailer during the said term, and also in June and July, 1862, under an appointment from the county judge. During the war she furnished prisoners with meals and bedding, and in certain months in the year with fuel. There appears to have been two fires, one in the jail proper and one in the second story of the residence.

The jail, including the second story of the residence belonging thereto, would accommodate from forty to fifty prisoners. It was used during the war as a guard-house for the troops and for the confinement of prisoners, the civil authorities as well as the military so using it.

The premises in question were the property of Bourbon County, and that county makes no claim against the United States for the use and occupation of the building.

While several of the witnesses could swear to the fact that the jail was more or less in use constantly for the confinement of prisoners, and that it was sometimes crowded, none are able now to state what the number was at the different times during the war nor the period of confinement, except in two or three cases.

It will therefore be impossible to state any account or make any reasonable recommendation in the case, unless we take the claimant's own sworn statement as a basis for such recommendation. And I am inclined to give much credit to that statement, because (1) it is said to have been copied from an old account which was kept in a book, which book, however, cannot now be found, and (2) because it agrees very nearly with another account (A and B) herewith, in which the names or regiments of the several prisoners and their period of confinement is set forth.

In this latter account the aggregate number of days in which prisoners were confined is stated at 5,004, and in the account or claim of February 23, 1885, the number of days is stated at 4,384.

The particular points to which the investigation is directed by the act of Congress herein quoted are as follows:

(1) *The status of claimant as to loyalty.*—Upon this point the Quartermaster-General is convinced from the testimony that the claimant was loyal during the war.

(2) *Value of supplies furnished.*—Taking the claim as sworn to by the claimant in February last, in connection with account (A and B) herewith, it is found that the claimant furnished board and bedding for 145 prisoners for an aggregate period of 4,384 days, from and between the months of July, 1862, and February, 1865, and that she provided two fires in five of said months, viz, in February, March, and December, 1863, in February, 1864, and in February, 1865. The claimant charges at the rate of seventy-five cents per day for board, &c. The agent who on the spot investigated the claim is of the opinion that sixty cents per day would be a fair allowance to make, and in that opinion I concur. And in the case of fuel, three cords of wood per month for each fire, being the regular allowance for a guard-fire, will be liberal, making for two fires for five months thirty cords of wood, at the rate of \$5 per cord.

(3) *The actual rental value, &c.*—This is intended to be included in the allowance for board and lodging.

(4) *The circumstances of the use of the jail, and by whose authority, &c.*—The most satisfactory testimony upon this point is that of Captain Reid, of the Fortieth Kentucky Volunteers, for a short time provost marshal at Paris, and of H. T. Brent, deputy provost marshal of the seventh Kentucky district (Bourbon County), from 1863 to the close of the war. Both of these men swear that of their own knowledge the commanding officers of the post of Paris made use of this jail for the confinement of prisoners.

(5) *Reasons for not filing the claim in the War Department.*—The claimant swears upon this point that, shortly after the close of the war, she did file her claim against the Government; that she thinks that the Hon. Garrett Davis, then United States Senator, took charge of it, and that she has since made repeated efforts, but without success, to have the claim allowed. And in this connection it may be remarked that, in November, 1871, she made up a claim, which was filed in the Quartermaster-General's Office, for use of jail from August, 1862, to February, 1865, and for fuel, &c., stated at \$2,860, and in September, 1873, a claim in her favor, stated at \$4,923, was presented to the Commissary-General of Subsistence, being for cooked rations alleged to have been furnished to persons confined in the Bourbon County jail by United States military authorities from July 11, 1862, to February 11, 1865. The former claim was referred by the Quartermaster-General, without recommendation, in October, 1874, to the Third Auditor of the Treasury, and by the Auditor was disallowed, because the buildings for which rent was charged were the property of the county, and because

the military authorities did not take possession of the jail or residence, but only used the former, in connection with the county, for the confinement of military prisoners. The other claim, for cooked rations, was disallowed by the Commissary-General of Subsistence, that officer holding that the proof submitted did not satisfy him that the claim was a just one, or one that he was authorized to recommend for settlement under the 3d section of the act of July 4, 1864.

All the papers in the case are herewith respectfully transmitted, with the exception of those furnished from the office of the Commissary-General of Subsistence, which have been returned to him in accordance with his request, made when he loaned them to this office.

In conclusion, the Quartermaster-General respectfully submits, in view of all the circumstances, that an equitable allowance to this claimant in full of all demands on account of subsistence, use of jail, fuel, &c., furnished United States military prisoners in Bourbon County, Kentucky, jail, in the years 1862, 1863, 1864, and 1865, would be as follows:

For board, lodging, attendance, &c., of prisoners for an aggregate period of 4,384 days, from July, 1862, to February, 1865, at 60 cents per day...	\$2, 630 40
For fires furnished for the same and for guard, equal to 30 cords of wood, at \$5 per cord.....	150 00
	<hr/> 2,780 40

I have the honor to be, very respectfully, your obedient servant,

S. B. HOLABIRD,

*Quartermaster-General, U. S. A.*

The Hon. SECRETARY OF WAR.

I recommend payment of the amount (\$2,780.40) allowed by the Quartermaster-General.

WM. C. ENDICOTT,  
*Secretary of War.*

WAR DEPARTMENT, *January 18, 1886.*

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